

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 19 day of November, 2010,

IT IS HEREBY ORDERED that the Motion to Proceed *In Forma Pauperis* is **DENIED** in accordance with 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that this action is **DISMISSED** for Plaintiff's failure to pay the filing fee, with the right of Plaintiff to reopen by paying the full \$350.00 filing fee within sixty (60) days.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF. No. 2) dated October 25, 2010, as augmented herein is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



David Stewart Cercone
United States District Judge

cc: Alton D. Brown
DL-4686
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(Via First Class Mail)